

1 NUETZEL & BLOMBERG LLP
2 VICTORIA R. NUETZEL # 115124
3 2033 N. Main Street, Suite 1060
4 Walnut Creek, CA 94596
5 Telephone: (925) 952-4500
6 Facsimile: (925) 952-4502

7 OFFICE OF THE GENERAL COUNSEL
8 SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
9 THOMAS C. LEE #104624
10 300 Lakeside Drive
11 P.O. Box 12688
12 Oakland, CA 94604-2688
13 Telephone: (510) 464-6034
14 Facsimile: (510) 464-6049

15 Attorneys for Plaintiff and Counterdefendant
16 SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

17 UNITED STATES DISTRICT COURT
18
19 NORTHERN DISTRICT OF CALIFORNIA
20

21 Case No.: C04-1589 -WHA

22 SAN FRANCISCO BAY AREA RAPID
23 TRANSIT DISTRICT,
24 Plaintiffs,

25 v.

26 SHERWOOD ELECTROMOTION, INC., a
27 Canadian Corporation; NATIONAL FIRE
28 INSURANCE COMPANY OF HARTFORD
INC., a Connecticut Corporation and DOES 1
- 50, inclusive,

Defendants.

SHERWOOD ELECTROMOTION, INC., a
Canadian Corporation,
Counterclaimant

v.

SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT ,
Counterdefendant

STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL

1 IT IS HEREBY STIPULATED AND AGREED, by and between the parties to this
2 action, by and through their respective attorneys, that the above entitled action, including all
3 counter claims, shall be dismissed with prejudice pursuant to Federal Rules of Civil Procedure,
4 Rule 41 (a) (1). It is further agreed that each party shall bear its own attorneys fees and costs
5

6 DATED: August 30, 2005

NUETZEL & BLOMBERG LLP

7
8
9 BY: _____/s/_____
10 Victoria R. Nuetzel
11 Attorneys for San Francisco
12 Bay Area Rapid Transit District

13 DATED: August 30, 2005

THELEN REID & PRIEST LLP

14
15
16 BY: _____/s/_____
17 Scott Hennigh
18 Attorneys for Sherwood Electromotion, Inc.
19 and National Fire Insurance Company of
20 Hartford, Inc.
21
22
23
24
25
26
27
28

ORDER

IT IS HEREBY ORDERED that this entire action be dismissed with prejudice.

The Court retains no jurisdiction to enforce any settlement agreement between the parties.
The Clerk **SHALL CLOSE THE FILE.**

DATED: September 1, 2005



William H. Alsup
United States District Judge